

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Andrew D. Morrison, Personal Representative
of the Estate of Donnie Ray Morrison

Case Number: 4:15-cv-01366-RBH

Plaintiff,

vs.

Deborah C. Walters, a/k/a Deborah C.
Cashwell, and Duke Energy,

Defendants.

**CONSENT ORDER
OF INTERPLEADER**

This matter comes before the Court on Motion by Defendant Duke Energy COLI Benefit Program for CP&L Employees (hereinafter referred to as the “Duke Energy COLI Plan” or The “Plan”) a component plan under the Duke Energy Active Health & Welfare Benefit Plans, (improperly identified in the Plaintiff’s Complaint as “Duke Energy”), for an order granting interpleader of certain Plan benefits in dispute in this case and releasing Duke Energy COLI Plan from further liability as to those Plan benefits. Duke Energy COLI Plan provides a \$10,000 taxable lump sum cash payment to the beneficiaries of individuals who were eligible employees of Carolina Power and Light Company on May 14, 1990 and who did not submit an election on or before May 25, 1990 to waive participation in the Plan. According to the allegations of the Complaint, this action involves competing claims by the Plaintiff and Defendant Deborah C. Walters, a/k/a Deborah C. Cashwell (“Cashwell”) as to the benefits payable, as a result of the death of Donnie Ray Morrison (“Decedent”) a participant in the Plan. In response to Plaintiff’s Complaint, Defendant Duke Energy COLI Plan asserted a counterclaim and cross claim for interpleader to protect itself against double liability as to the benefits and the Court finds that interpleader is appropriate. The record reflects that all parties have consented to this Motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant Duke Energy COLI Benefit Program for CP&L Employees interplead the \$10,000.00 benefit into the Court through the Office of the Clerk of Court. It is further ordered that the Duke Energy COLI Benefit Program for CP&L Employees, the Duke Energy Active Health & Welfare Benefit Plans, and Duke Energy Corporation are discharged from any and all liability as to any claims to the benefits in question and that Plaintiff and Defendant Cashwell are enjoined from instituting and/or pursuing any action or proceeding in any state or federal court against the Duke Energy COLI Benefit Program for CP&L Employees, the Duke Energy Active Health & Welfare Benefit Plans, and Duke Energy Corporation for the recovery of the Plan benefits payable as a consequence of the death of the Decedent. Finally, it is ordered that the Defendant Duke Energy COLI Benefit Program for CP&L Employees is dismissed from this action, with prejudice and the action is to be continued as between the Plaintiff and Defendant Deborah C. Walters a/k/a Deborah C. Cashwell to determine the correct beneficiary of the Proceeds.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
Dated: April 3, 2015